IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.25167 of 2008
NARESH GOPE
Versus
STATE OF BIHAR
---

3. 8.9.2008 Heard.

It appears that two persons of two villages were fighting it out for electing certain committees during that melee the petitioner bears a direct allegation of firing a shot from his rifle which hit Shivnandan Mahto and he died.

The contention is that bare facts alleged in the FIR could give an impression as if the petitioner was not intending to kill the deceased Shivnandan Mahto. It could be very difficult to record any finding at this stage on the matter as the petition relates to granting/refusing bail. Earlier order passed by this court in respect of other accused persons indicates that fatal shot was given by another accused i.e., this petitioner, considering which, the petition is dismissed.

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(Dharnidhar Jha, J.)

B.Kr.